

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :20971 of 2007

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DATED:12-10-2007

BETWEEN:

Yanamala Peda Chenchaiyah & 5 others.

..... PETITIONERS

AND

The District Collector,
Nellore District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in evicting the petitioners from the land in Old Paimaish No.99 correlated to Sy.No.62/1 of Vaddikandriga village in an extent of Ac.4.55 cents without issuing any notice or following any procedure, as illegal and arbitrary.

3. It is the case of the petitioners that they have occupied the lands of the Government of small extents in Sy.No.62/1 and the said lands are not within the Full Tank Level but they are beyond the Full Tank Level and previously though notices under Section 7 of the A.P.Land Encroachment Act, 1905 (for brevity, 'the Act') have been given but they have withdrawn the said proceedings. However, again the Mandal Revenue Inspector and the Village Revenue Officer visited the said lands and threatened to dispossess them without following due process of law. It is stated that petitioners made representations on 20-09-2007 before the respondents but no action has been taken so far.

4. Learned Government Pleader submits that notices, dated 01-09-2007, have been issued under Section 7 of the Act to the petitioners/encroachers but the same were refused to be received and therefore substitute service has been made in the presence of

the Village Servant. The copies of the said notices were handed over by the learned Government Pleader to the learned counsel for the petitioners so as to enable the petitioners to submit explanation for the said notices.

5. Having regard to the facts and circumstances of the case, Writ Petition is disposed of permitting the petitioners to submit explanation for the aforesaid notices issued under Section 7 of the Act within two weeks from the date of receipt of a copy of this order and on submission of such explanation, if any, until the appropriate orders are passed under Section 6 of the Act, petitioners shall not be dispossessed. There shall be no order as to costs.

V.ESWARAIAH,J

12th October, 2007.

Note:

Issue operative portion of the order
by wire at party's costs.

B/o

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